

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed March 7, 2006. Claims 1-50 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-50. The present Response amends claims 1-8 and 25-37, and cancels claims 9-24 and 38-50, leaving for the Examiner's present consideration of claims 1-8 and 25-37. Reconsideration of the rejections is respectfully requested.

I. Claim Rejections – 35 USC § 101

1. Claims 1-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-50 appear to represent nonfunctional descriptive material.

Claims 1-8 and 25-37 claim a storage medium, which by itself is a (physical) statutory subject matter. In addition, the data structure and objects in these claims are stored in the medium, and thus are functional descriptive materials and statutory under Annex IV of "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Functional descriptive material, such as data structures and computer programs, ..., when recorded on computer-readable medium, becomes structurally and functionally interrelated to the medium and will be statutory).

2. Claims 17-24 and 28-50 are further rejected under 35 U.S.C. 101 because the claimed invention is directed to the non-statutory subject area of electro-magnetic signals.

Applicant believes examiner was referring to claims 17-24 and 38-50, which have been canceled.

3. In addition, Claims 9-16 appear to be directed towards a broader scope than would be allowed under 35 U.S.C. 101.

Claims 9-16 have been canceled.

II. Double Patenting

1. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 and 28-35 of copending Application No. 10/618,380.

2. Claims 25-50 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 37-48 of copending application no. 10/618,380.

A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is filed herewith to overcome the provisional rejection over claims 1-8, and 25-37 (claims 9-16 and 38-50 are canceled) based on a non-statutory double patenting ground, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

III. Claim Rejections – 35 USC § 102

Claims 1-50 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,325,594 (henceforth referred to as Van Huben).

The present invention teaches the concept of virtual content repository (VCR), which is a logical representation of one or more individual content repositories such that they appear and behave as a single content repository from an application program's standpoint (Figure 1, paragraph [0030]). In contrast, Van Huben disclosed one complex (physical) data repository comprised of multiple sub-repositories (col. 14, Fig. 4), not a logical (virtual) representation of a group of data repositories to be accessed as one. Therefore, Van Huben cannot anticipate the VCR claimed in independent claims 1 and 25. Since claims 2-8 depend on claim 1, claims 26-37 depend on claim 25, Van Huben cannot render claims 1-8 and 25-37 obvious (claims 9-24 and 38-50 are canceled) under 35 U.S.C. 102(b) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

IV. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: _____

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By: _____

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